

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT****CENTER FOR BIOLOGICAL
DIVERSITY, ET AL.,**

Petitioners,

v.**U.S. ENVIRONMENTAL PROTECTION
AGENCY, ET AL.,**

Respondents.

No. 23-1019 (consolidated
with 23-1020)**JOINT MOTION FOR VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Appellate Procedure 42(b) and D.C.

Circuit Rule 27(g), Petitioners and Respondents, (collectively, “the Parties”) hereby move for voluntary dismissal of the petitions in these consolidated cases, with each party to bear its own costs and fees. The Parties submit this motion in lieu of a further motion to govern future proceedings, due August 14, 2023 under the Court’s August 11, 2023 order (Doc. # 2012061). All Petitioners from the consolidated cases are joining in this motion. They are: the States of California, Connecticut, Illinois, Maryland, New Jersey, New York, Oregon, Vermont, and Washington, and the Commonwealths of

Massachusetts and Pennsylvania (State Petitioners), and Center for Biological Diversity, Friends of the Earth, and Sierra Club (Environmental Petitioners). In support of this motion, the Parties state:

1. These consolidated cases seek judicial review of an EPA action to revise particulate matter (PM) emission standards for commercial aircraft entitled: “Control of Air Pollution from Aircraft Engines: Emission Standards and Test Procedures,” 87 Fed. Reg. 72,312 (Aircraft PM Rule). The Parties here are all parties to a separate pair of consolidated petitions seeking judicial review of a previous EPA action to adopt greenhouse gas (GHG) emission standards for commercial aircraft entitled: “Control of Air Pollution from Aircraft Engines: Emission Standards and Test Procedures,” 86 Fed. Reg. 2136 (Jan. 11, 2021) (Aircraft GHG Rule). Given the overlapping questions of law and similar arguments in both sets of petitions, these cases have been held in abeyance pending decision on the Aircraft GHG Rule per the Court’s order of February 7, 2023.

2. This Court denied the petitions seeking review of the Aircraft GHG Rule on June 30, 2023, in *California v. EPA*, No. 21-1018.

3. The Parties have conferred with Movant-Intervenor for Respondent Aerospace Industries Association of America, Inc., which does not object to voluntary dismissal.

For the foregoing reasons, the Parties request that the Court grant this motion to voluntarily dismiss these consolidated Petitions for Review, with each party to bear its own costs and fees.

Dated: August 11, 2023

Respectfully submitted,

FOR THE STATE OF CALIFORNIA

ROB BONTA
Attorney General of California
ROBERT W. BYRNE
EDWARD H. OCHOA
Senior Assistant Attorneys General
MICHAEL P. CAYABAN
CHRISTIE VOSBURG
Supervising Deputy Attorneys General

/s/ Theodore McCombs

THEODORE A. MCCOMBS
Deputy Attorney General
*Attorneys for State of California, by
and through Attorney General Rob
Bonta and the California Air
Resources Board*

FOR THE STATE OF
CONNECTICUT

WILLIAM TONG
Attorney General

/s/ Daniel M. Salton

Daniel M. Salton
Assistant Attorney General
Office of the Attorney General
165 Capitol Ave.,
Hartford, CT 06106
(860) 808-5250
daniel.salton@ct.gov

FOR THE STATE OF ILLINOIS

KWAME RAOUL
Attorney General

/s/ Elizabeth Dubats

Elizabeth Dubats
Assistant Attorney General
Matthew J. Dunn
Chief, Environmental Enforcement
Asbestos Litigation Division
Jason E. James
Assistant Attorney General
201 West Pointe Drive, Suite 7
Belleville, IL 62226
(872) 276-3583
Elizabeth.dubats@ilag.gov

FOR THE STATE OF MARYLAND

ANTHONY G. BROWN
Attorney General

/s/ Joshua M. Segal

Joshua M. Segal
Special Assistant Attorney General
Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202
(410) 576-6446
jsegal@oag.state.md.us

FOR THE COMMONWEALTH OF
MASSACHUSETTS

ANDREA JOY CAMPBELL
Attorney General

/s/ Turner Smith

Turner Smith
Deputy Chief & Assistant Attorney
General
Environmental Protection Division
Office of the Attorney General
One Ashburton Place, 18th Fl.
Boston, MA 02108
(617) 727-2200
Turner.Smith@mass.gov

FOR THE STATE OF NEW
JERSEY

MATTHEW J. PLATKIN
Attorney General

/s/ Lisa J. Morelli

Lisa J. Morelli
Deputy Attorney General
New Jersey Division of Law
25 Market Street
Trenton, New Jersey 08625
(609) 376-2740
Lisa.Morelli@law.njoag.gov

FOR THE STATE OF NEW YORK

LETITIA JAMES
Attorney General

/s/ Gavin G. McCabe

Gavin G. McCabe
Assistant Attorney General
Judith N. Vale
Deputy Solicitor General
Office of the Attorney General
28 Liberty Street, 19th Floor
New York, NY 10005
(212) 416-8459
Gavin.McCabe@ag.ny.gov

FOR THE STATE OF OREGON

ELLEN F. ROSENBLUM
Attorney General

/s/ Paul Garrahan

Paul Garrahan
Attorney-in-Charge
Steve Novick
Special Assistant Attorney General
Natural Resources Section
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4593
paul.garrahan@doj.state.or.us

FOR THE COMMONWEALTH OF
PENNSYLVANIA

MICHELLE A. HENRY
Attorney General

/s/ Ann R. Johnston

Ann R. Johnston
Senior Deputy Attorney General
Pennsylvania Office of Attorney
General
Strawberry Square, 16th Floor
Harrisburg, PA 17120
(717) 705-6938
ajohnston@attorneygeneral.gov

FOR THE STATE OF VERMONT

CHARITY R. CLARK

Attorney General of Vermont

/s/ Nicholas F. Persampieri

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3171
nick.persampieri@vermont.gov

FOR THE STATE OF
WASHINGTON

ROBERT W. FERGUSON

Attorney General

/s/ Christopher H. Reitz

Christopher H. Reitz
Alexandria Doolittle
Assistant Attorneys General
Office of the Attorney General
P.O. Box 40117
Olympia, WA 98504-0117
(360) 586-4614
chris.reitz@atg.wa.gov

/s/ Sarah H. Burt

Sarah H. Burt
Mae Manupipatpong
EARTHJUSTICE
50 California Street, Suite 500
San Francisco, CA 94111
Tel: (415) 217-2000
sburt@earthjustice.org
mmanupipatpong@earthjustice.org

*Counsel for Sierra Club and
Friends of the Earth*

/s/ Elizabeth Jones

Elizabeth A. Jones
Scott Hochberg
CENTER FOR
BIOLOGICAL DIVERSITY
1212 Broadway, Suite 800
Oakland, CA 94612
Tel: (310) 365-9281
ljones@biologicaldiversity.org

*Counsel for Center for
Biological Diversity*

/s/Vera Pardee

VERA PARDEE

Law Office of Vera Pardee

726 Euclid Avenue

Berkeley, CA 94708

Tel: (858) 717-1448

pardeelaw@gmail.com

Counsel for Sierra Club

TODD KIM

Assistant Attorney General

/s/ Chloe H. Kolman

CHLOE H. KOLMAN

U.S. Department of Justice

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044

(202) 514-9277

chloe.kolman@usdoj.gov

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Joint Motion for Voluntary Dismissal contains 336 words and was composed in Times New Roman font, 14-point. The motion complies with applicable type-volume, typeface, and type-style requirements.

/s/ Theodore McCombs
Theodore McCombs

Deputy Attorney General for
State of California

Dated: August 11, 2023

CERTIFICATE OF SERVICE

Case **Center for Biological** No. **23-1019**
Name: **Diversity et al v. EPA, et al** _____

I hereby certify that on August 11, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT MOTION FOR VOLUNTARY DISMISSAL

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Theodore McCombs
Theodore McCombs

Deputy Attorney General for
State of California

Dated: August 11, 2023